

ORDER NO. 1984

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Mark Acton, Vice Chairman; and
Robert G. Taub

Competitive Product List
Adding Round-Trip Mailer

Docket No. MC2013-57

Competitive Product Prices
Round-Trip Mailer (MC2013-57)

Docket No. CP2013-75

ORDER GRANTING REQUEST FOR ACCESS

(Issued February 5, 2014)

On January 29, 2014, the Postal Service filed a motion¹ pursuant to 39 C.F.R. § 3007.40 requesting access to the non-public Answers of GameFly, Inc. to Chairman's Information Request No. 2² and the non-public portions of the Response of Netflix, Inc. to Chairman's Information Request No. 3.³

¹ Motion of the United States Postal Service for Access to Nonpublic Materials Filed by GameFly, Inc. and Netflix, Inc., January 29, 2014 (Motion).

² See Application of GameFly, Inc., for Non-Public Treatment of Portions of Its Answers to Chairman's Information Request No. 2, January 17, 2014.

³ See Notice of Netflix, Inc. of Filing Nonpublic and Public Versions of Its Response to Chairman's Information Request No. 3, January 16, 2014 *and* Application of Netflix, Inc. for Nonpublic Treatment of Portions of Its Response to Chairman's Information Request No. 3, January 16, 2014.

The Postal Service requests access to non-public information on behalf of 14 individuals who “have been involved in making decisions or performing analyses related to these proceedings.” Motion at 2. Included with the Motion are copies of Appendix A of 39 C.F.R. part 3007 signed by each of the 14 individuals, acknowledging their willingness to comply with protective conditions. The Motion asserts that access to the above-listed documents is necessary to determine the impact of the documents on the Postal Service’s request to create a competitive round-trip mailer product and to determine whether a response to a pending GameFly, Inc. (GameFly) motion is necessary.⁴

The Postal Service states that GameFly consents to its Motion and that counsel for Netflix, Inc. (Netflix) has been informed of the Postal Service’s intention to file the Motion. Motion at 2. Netflix has not opposed the Motion.

In light of GameFly’s consent, the 14 individuals named in the Motion are granted access to the non-public Answers of GameFly, Inc. to Chairman’s Information Request No. 2. Because Netflix did not oppose the Motion, the 14 individuals named in the Motion are each granted access to the non-public portions of the Response of Netflix, Inc. to Chairman’s Information Request No. 3.

It is ordered:

1. The Motion of the United States Postal Service for Access to Nonpublic Materials Filed by GameFly, Inc. and Netflix, Inc. is granted.
2. Effective upon the issuance of this Order, the 14 individuals named in the Postal Service’s Motion are each granted access to the non-public Answers of GameFly, Inc. to Chairman’s Information Request No. 2, filed January 17, 2014,

⁴ *Id.* at 1. See also Motion of GameFly, Inc., for Opportunity to Comment on January 17, 2014, Responses to Chairman’s Information Requests, December 24, 2013.

and the non-public portions of the Response of Netflix, Inc. to Chairman's Information Request No. 3, filed January 16, 2014.

By the Commission.

Shoshana M. Grove
Secretary